


FORM OF ORDER SHEET

Court of _____

Appeal No. 2025/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/10/2024	<p>The appeal of Mr. Tariq Aziz Khan presented today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 25.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Appeal No. 2025 /2024

TARIQ AZIZ KHAN

.....VERSUS.....

EDUCATION DEPTT

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APPELLANT

Through:

AFRASIAB KHAN WAZIR
&
SALMAN KHAN WAZIR
ADVOCATE(S) HIGH COURT

Office:
ROOM NO. B-16, GOVT COLLEGE
CHOWK, NIMRA PLAZA,
PESHAWAR.
CELL: 0312-9888752

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

APPEAL NO. 2025/2024

Mr. Tariq Aziz Khan, SS Biology (BPS-17), GHSS Jahangiri Karak, R/O Lakki Khas, P/O Lakki Lakki, Lakki Tarf Awal, Tehsil and District Bannu.

.....APPELLANT.

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through chief secretary of Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Elementary and Secondary Education, Government of Khyber Pakhtunkhwa.
- 3- Mr. Naik Rahman SS Biology (Working against SS Islamiat BPS-17), GHSS Lalozaai Bannu.

.....RESPONDENTS.

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, AND AGAINST THE IMPUGNED ILLEGAL ORDER DATED 25/06/2024 WHEREBY THE APPELLANT IS PREMATURELY AND ILLEGALLY TRANSFERRED THAT IS IN VIOLATION TO POSTING/TRANSFER POLICY AND NO ACTION IS TAKEN ON DEPARTMENTAL APPEAL OF THE APPELLANT.

RESPECTFULLY SHEWETH:

ON FACTS:

- 1- **That** the Appellant is serving in the Education Department as **SS Biology (BPS-17)** and since appointment he is performing his duties with full dedication and passion. **(Copy of CNIC is attached.....A)**
- 2- **That** on 21/2/2023, NOC regarding Postng/Transfer was obtained by competent authority and the Appellant was transferred from GHSS Landiwa Lakki Marwat to GHSS Lalozaai Bannu. **(Copy of the Posting/Transfer Notification dated 21/2/2023.....B)**
- 3- **That** since the transfer Order dated 21/2/2023, the Appellant was performing his duty with dedication and commitment that all of a sudden impugned notification dated 25/6/2024 was issued under which the Appellant was transferred from GHSS Lalozaai Bannu to GHSS Jahangiri Karak. **(Copy of the Posting/Transfer Order dated 25/6/2024 is attached as.....C)**

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- 4- **That** as per the impugned notification Respondent No.3 lying on serial 5 was working against wrong post, i.e SS Islamiyat BPS-17 in Jahangiri Karak. As per notification the Appellant is transferred to Jahangiri Karak against the wrong post of SS Islamiyat (BPS 17) but currently he is working against another wrong post of SS Biology (BPS-18).
- 5- **That** the Appellant feeling aggrieved from the impugned illegal Posting/Transfer Order of the Respondents has processed Departmental appeal on 27-06-2024, the reply of which is yet not received. **(Copy of the Representation is attached asD).**
- 6- **That** the Appellant further feeling aggrieved and left with no other alternate and efficacious remedy but to file this instant appeal on the following grounds inter alia.

ON GROUNDS

- A-That** the action of the Respondent is violation to Article 4 and 25 of the Constitution, 1973 as the Appellant has not received equal and fair treatment before law which is obvious from the fact that the Posting/Transfer Order is premature and the Appellant is transferred to GHSS Jahangiri Karak against the wrong post.
- B-That** the impugned Notification/Order of the Respondents is illegal and against the norms of natural justice as the Posting/Transfer of Appellant is premature. Respondents have blithely disregarded the Posting/Transfer policy as the Appellant is transferred without serving 2 years time at the place of his previous posting, i.e is GHSS Lalozai Bannu.
- C-That** the impugned Notification of Posting/Transfer further aggravated the atmosphere for Appellant when after transfer he was directed to work against another wrong post of SS Biology(BPS-18). It is grave injustice with Appellant that the Appellant is receiving privileges of BPS-17 and is performing his duties against BPS-18.
- D-That** both the Appellant and Respondent No.3 are serving SS Biology since appointment. The impugned Order has created massive hurdles for Appellant and ease for Respondent No.3 as the Appellant is transferred against wrong post, i.e SS Islamiyat on which Respondent No.3 was earlier posted and the Respondent No.3 is transferred against SS Biology post.

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E- That so far nothing has been intimated to Appellant regarding the Representation filed which justifies the malafide on part of the Respondents.

F- That the impugned Notification issued By Respondent holds no sanctity before law as it has been signed and approved by Section Officer and under law it is duty of the Secretary Elementary and Secondary Education Department to issue and authorize Posting/Transfer Orders.

G-That the Appellant is suffering immensely from the impugned order as his family is dwelling at Bannu and there is no one there to look after his children and spouse.

H-That the Appellant further seeks permission to advance any other grounds at the time of regular hearing.

PRAYER

That on acceptance of this appeal the impugned Posting/Transfer Order/Notification of the Respondents may very kindly be set aside, declared illegal and unlawful as the Appellant is prematurely posted against the wrong post of SS Islamiyat and is directed to perform duties against another wrong post of SS Biology(BPS-18). Furthermore it is plead that directions be issued to the respondent that the Appellant may very kindly be posted to his earlier station of posting i.e GHSS Lalozi Bannu, where Respondent NO.3 is transferred in place of Appellant. Any other remedy which this honorable tribunal deems fit that may also be awarded in favor of Appellant.

APPELLANT

TARIQ AZIZ KHAN

Through:

AFRASIAB KHAN WAZIR

&

SALMAN KHAN WAZIR

ADVOCATE(S) HIGH COURT

Certificate:

It is certified that no other appeal is filed between the parties on the same issue.

DEPONENT

AFFIDAVIT:

I Mr. Tariq Aziz Khan, SS Biology (BPS-17), GHSS Jahangiri Karak, R/O Lakki Khas, P/O Lakki Lakki, Lakki Tarf Awal, Tehsil and District Bannu, do hereby solemnly affirm and declare that the contents of this appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal so far.

DEPONENT

ANNEXURE - A

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PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN
Name: Tariq Aziz Khan

Father Name: Falak Nawaz Khan

Gender: M Country of Stay: Pakistan

Identity Number: 11101-1238029-7 Date of Birth: 14.03.1984

Date of Issue: 31.03.2024 Date of Expiry: 31.03.2034



Holder's Signature

P7966

کسی خاص مذاک خان کی، کسی طرف اول، تحصیل

11101-1238029-7



کسی خاص مذاک خان، کار کو، طرز، بنا

512431030928
155-84-705048

گشده کارڈ ملنے پر قریبی لیٹر بس میں ڈال دیں



B - 5
ANNEXURE

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 991 9722533 Email: gschoolmale@gmail.com

Peshawar, Dated: 21st February 2023

NOTIFICATION

NC SO(SM)ESSED/5-17/2023/PT/SS: Consequent upon the approval of the Competent Authority and subsequent NOC from the Election Commission of Pakistan, the following posting transfers are hereby ordered with immediate effect, in the best public interest:-

S No	Name & designation	From	To
1.	Mr. Shalil Nawaz SS (Biology) BS-17	GHSS Lalozai Bannu.	GHSS Ismail Khel Bannu
2.	Mr. Tariq Aziz Khan SS (Biology) BS-17	GHSS Landiva Lakki Marwat	GHSS Lalozai Bannu.
3.	Mr. Farid Ullah Shah SS (Biology) BS-17	GHSS Ismail Khel Bannu	GHSS Norer Bannu
4.	Mr. Israr Khan SS (Biology) BS-17	GHSS Norer Bannu	GHSS Ramak D.I.Khan

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Enlist of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) concerned.
4. District Accounts Officer concerned.
5. Principal Concerned.
6. Director, EMIS E&SE Department.
7. PS to Minister for E&SE Department.
8. PS to Secretary E&SE Department.
9. Officers concerned.
10. Office order file.

(NASEER ABBAS KHALIL)
SECTION OFFICER (SCHOOLS MALE)



Dated: 25.06.2024

ANNEXURE

NOTIFICATION

C-6

NO: SO/SAD/ENSE/D/5-17/2024/PT/DS-17-18 The following Posting/Transfer is hereby ordered with immediate effect, in public interest:-

S.N	Name and Designation	From	to	Remarks
1	Farid Ullah Shah SS DS-18 Biology	GHSS Nurur Dannu	GHSS Ismail Khel Bannu	Vide serial No 2
2	Shahid Nawaz SS Bio DS-18	GHSS Ismail Khel Bannu	GHSS Ramak D.I.Khan	Vide Serial No 3
3	Israr Khan SS Bio DS-17 working against SS Bio DS-18	GHSS Ramak D.I.Khan	GHSS Nurur Bannu	Vide serial No 1
4	Tariq Aziz SS Bio DS-17	GHSS Lalozai Bannu	GHSS Jahangiri Karak	Vide serial No 5
5	Nalik Rahman SS Bio DS-17 working against SS Islamiyat BS-17	GHSS Jahangiri Karak	GHSS Lalozai Bannu	Vide serial no 4
6	Wali Rahman SS Maths BS-17 working against SS IT BS-17	GHSS Shahbaz Azmat Khel Bannu	GHSS Kotlee Saleh Khan Nowshetra	Vide serial No 7
7	Muhammad Iftikhar Khan SS English BS-17	GHSS Kotlee Saleh Khan Nowshetra	GHSS Shahbaz Azmat Khel Bannu	Vide serial No 6
8	Farrukh Siyar Khan HM BS-17	GHS Wanda Madad D.I.Khan	GHS Kinger Jan Bahadar Bannu	Vide Serial No 09
9	Sher Bahadar IPE BS-17	GHS Kinger Jan Bahadar Bannu	GHS Wanda Madad D.I.Khan	Vide Serial No 08
12	Tajbar Ali Khan SS Economics	GHSS Bahadar Khel Karak	GHSS Ghazi Kalla Baka Khel Bannu	AVP
13	Aziz Ullah SS English BS-17 working against HM post	GHS khujari Babar Bannu	Report to Directorate	
14	Samir Ullah Khan SST BS17	GHSS Siema Sikander Khel Bannu	GHS Khujari Babar Bannu	Vide serial No 13
15	Ajab Noor Khan SS Chemistry BS17	GHSS Shahbaz Khel Lakki Marwal	GHSS Aihameed Wali Noor Jani Khel Bannu	Vice Sr. No.19
16	Mirza Ali SS Urdu BS-17	GHSS Darsamand Hangu	GHSS Takhti Khel Bannu	Vide Serial No 17
17	Asmat Ali IPE BS-17	GHSS Takhti Khel Bannu	GHSS Darsamand Hangu	Vide Serial No 16

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18	Said Kamal BS-17 SS Biology	GHSS Warana Karak	GHSS Ghazi Baka Khel Bannu	A.V.P.
19.	Mr. Ashiq Hussain SS Chemistry BS-17	GHSS Athameed Wall Noor Junj Khel Bannu	GHSS Ghazi Kalla Baka Khel Bannu	A.V.P.

SECRETARY TO
GOVT OF KHYBER PAKHTUNKHWA
E&SE

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, EMIS E&SE Department.
4. District Education Officer (M) Concerned.
5. District Accounts Officer Concerned.
6. PS to Secretary E&SE Department.
7. Officer Concerned.
8. Office order file.


SECTION OFFICER (SCHOOLS MALE)

ANNEXURE "D"

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To,

Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Subject: Premature transfer

R/Sir,

It is humbly stated that the Applicant is currently serving SS Bio(BPS-17) in Education department having commendable career and doing his duty with dedication and devotion. The Applicant through this application wants to bring before you matter of Pre-mature transfer.

Recently on 25-06-2024 a Posting/Transfer notification was issued under which the Applicant is prematurely transferred to GHSS Jahangiri Karak from GHSS Lalozai Bannu. It is pertinent to be mentioned that the transfer is premature due to the fact that the Applicant hasn't served 2 years time at place of his earlier posting as previously his transfer order was issued on 21/2/2023 from GHSS Landiwa Lakki Marwat to GHSS Lalozai Bannu.

The Posting/Transfer notification has created inconvenience for Applicant and ease for Mr. Naik Rahman who has been recently transferred to GHSS Lalozai Bannu. Mr. Naik Rahman was earlier working against the wrong post, i.e SS Islamiyat (BPS-17) and now Applicant is transferred to GHSS Jahangiri Karak via serial No.4 of the Notification.

It is further stated that after being posted against the wrong post of SS Islamiyat, the Applicant is now further directed to perform duties against another wrong post of SS Biology (BPS-18). It is sheer injustice that the Applicant is receiving perks and privileges in BPS-17 and is directed to perform the tasks of BPS-18.

Considering the above aforementioned reasons it is kindly requested that the notification issued on 25-06-2024 may kindly be cancelled and the Applicant may kindly be transferred again to GHSS Ismail Lalozai Bannu.

Thanks.

Tariq Aziz Khan

SS BIO (Working against wrong post SS Islamiyat)

GHSS Jahangiri Karak

Dated: 27-6-2024

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POWER OF ATTORNEY/VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

TARIQ AZIZ KHAN

VERSUS

EDUCATION DEPARTMENT

Appeal No. _____ -P/2024

On behalf of Petitioner/Appellant No.

I/ we the Tariq Aziz Khan hereby appoint Mr. Afrasiab Khan Wazir Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. An advocate shall not be responsible for any concealment, fraud, misrepresentation made by the client before any tribunal, court or forum.
- d. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me/us and fully understood by me/ us.

Terms Accepted

Signatures

Accepted & Attested

Afrasiab Khan Wazir

Salman Khan Wazir

Advocates Peshawar High Court, Peshawar.

&

Malik Asif Haroon Advocate lower court

Bc 99-1700

Office:

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Nimra Plaza, Peshawar.

Cell: 0312-9888752.